

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

CYNTHIA JOHNSON	§	
	§	
VS.	§	ACTION NO. 4:21-CV-158-Y
	§	
STATE FARM LLOYDS	§	

ORDER STRIKING AND UNFILING PLAINTIFF'S RESPONSE


Before the Court are Plaintiff's response to Defendant's motion for partial summary judgment and the response's supporting brief. (Doc. nos. 48, 49.) After consideration, the Court concludes that both Plaintiff's response and its supporting brief should be stricken and unfiled due to their incomprehensible nature and woefully inadequate presentation of arguments to the Court. Furthermore, Plaintiff's counsel will be instructed to comply with the instructions below.

As Defendant points out in its reply, Plaintiff's response is riddled with inaccuracies and what appear to be "copies-and-pastes" from other cases—so much so that it fails to address any of Defendant's arguments contained in its motion for partial summary judgment. (See doc no. 53, at 2-3.) For example, the response contains names of parties that are not present in this case, references to evidence that is not in the record, and pure legal conclusions about Defendant's liability. It appears that

Plaintiff's counsel may have recycled the response from briefing in *Womack v. Meridian Security Insurance Company*. See No. 4:21-CV-00454, doc. no. 39, (N.D. Tex. Mar. 25, 2021) (O'Connor, J.). Normally, it is not the province of this Court to intervene and allow a party to correct its drafting shortcomings. But the Court is reluctant to allow counsel's apparent misfeasance to prejudice a party seeking to have its day in federal court.

Accordingly, Plaintiff's response and its supporting brief are **STRICKEN** from the record, and the clerk of the Court is **INSTRUCTED** to **UNFILE** them. Plaintiff must refile her response to Defendant's motion for partial summary judgment **within twenty-one days** of the entry of this order. In addition, Plaintiff's counsel shall present a copy of this order to Ms. Johnson and file an affidavit indicating that she has been provided personal knowledge of the Court's order and the impropriety of her counsel's papers **within fourteen days** of the entry of this order. Defendant shall have **fourteen days** after Plaintiff files her response to file a reply.

SIGNED November 23, 2022.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE